

Question first recurring on the motion of Senator Cotten, it was lost.

Question then recurring on the motion of Senator Metcalfe, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—12

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalfe
Graves	Stone
Jones	Weinert
Lane	Winfield
Lanning	

Nays—8

Cotten	Morris
Fain	Sulak
Lemens	Vick
Moore	York

Absent

Chadick	Ramsey
Martin	

Absent—Excused

Bullock	Moffett
Formby	Shivers
Hazlewood	Spears
Kelley	

The Senate, accordingly, at 10:35 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

**ELEVENTH DAY**

(Thursday, January 28, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Moffett, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Aikin was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Bullock was granted leave of absence for today on account of illness, on motion of Senator Lovelady.

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

**Reports of Standing Committees**

Senator Fain submitted the following reports:

Austin, Texas,  
January 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred S. B. No. 57, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Vice Chairman.

Austin, Texas,  
January 28, 1943.

Hon. John Lee Smith, President of the Senate:

Sir: We, your Committee on Counties and County Boundaries to whom was referred S. B. No. 58, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Vice Chairman.

Austin, Texas,  
January 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred S. B. No. 59, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Vice Chairman.

**Senate Bills on First Reading**

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Winfield:

S. B. No. 107, A bill to be entitled "An Act to amend subdivision 109 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the terms of holding the 109th District Court in Reeves, Ward, Winkler, Crane, Andrews, and Loving Counties, constituting the 109th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in the summoning of grand and petit juries under this Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lovelady:

S. B. No. 108, A bill to be entitled "An Act directing the State Comptroller of Public Accounts and the State Treasurer to transfer One Million and Five Hundred Thousand (\$1,500,000.00) Dollars from the Confederate Pension Fund to the General Revenue Fund in part payment of the amount heretofore advanced by the General Revenue Fund for the purpose of support and maintenance of the homes for Confederate veterans and their widows; and declaring an emergency."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 109, A bill to be entitled "An Act providing for commitment of persons of unsound mind to State Institutions and Hospitals; providing for an inventory and appraisement of all properties of such persons; providing for an inventory and appraisement of all property in the hands of the Guardian of the person who is liable for the support of an insane person, if such insane person has a Guardian, or is a Minor; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 110, A bill to be entitled "An Act authorizing the State Board

of Control under the laws of the State of Texas to exercise the right of eminent domain and condemnation in the securing of lands necessary to the operation of State Eleemosynary Institutions, State Hospitals and other institutions under the control and jurisdiction of said Board and defining the duties and powers of the State Board of Control and the Attorney General's Department in regard thereto."

To Committee on Civil Jurisprudence.

By Senator Beck:

S. B. No. 111, A bill to be entitled "An Act amending Chapter 209, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 309, Acts of the Regular Session of the Forty-fifth Legislature; declaring the Act to be severable; and declaring an emergency."

To Committee on Education.

By Senator Vick:

S. B. No. 112, A bill to be entitled "An Act to amend Article 4729, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To Committee on Insurance.

By Senator Lovelady:

S. B. No. 113, A bill to be entitled "An Act to control and improve county fiscal affairs; providing for the appointment of a county auditor and providing for his term of office and providing for his salary; providing for the method of payment of salary; providing that two or more contiguous counties whose combined assessed valuations for county purposes are not in excess of Twenty Million (\$20,000,000.00) Dollars, according to the last approved tax rolls, may jointly have a county auditor and providing for a method of selecting said county auditor, and providing for the salary of such auditor under such circumstances; providing that the District Judge or District Judges having jurisdiction in the county or counties shall appoint the county auditor; providing that the District Judge or District Judges having jurisdiction in the county or counties shall secure from the State Board of Municipal Auditing a certificate reciting that the prospective appointee for county auditor is qualified to perform the duties of county auditor;

providing for the creation of the State Board of Municipal Auditing; providing for its membership to be composed of the State Comptroller of Public Accounts, the State Auditor and Efficiency Expert and the Attorney General; providing for the functions of said board; providing that said Board shall prepare and publish a schedule of reasonable qualifications for county auditor; providing for the qualifications of a county auditor and providing for examinations by said Board for applicants for the work of county auditor; providing that said Board may charge a fee not to exceed Ten (\$10.00) Dollars for an applicant to take an examination; providing that the District Judge or District counties in cooperation with the Commissioners' Court or Commissioners' Courts shall fix the salary of the County Auditor within the limits provided in this Act and shall determine the number of any assistants and shall fix the annual salaries of any such assistants; providing for the time in which to fix the salary of the county auditor, the number and salary of his assistants; etc.; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 114, A bill to be entitled "An Act amending Article 3184, Title 51, Chapter 2, of the Revised Civil Statutes of 1925 so as to further define the qualifications of the Superintendent of each State Hospital; providing for removal of same for good cause; defining good cause; and repealing all laws in conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

#### House Amendments to Senate Concurrent Resolution 4

Senator Morris called S. C. R. No. 4 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate concur in the House amendments.

Senator Martin moved that the House amendments be tabled subject to call.

Question first recurring on the motion of Senator Martin, yeas and nays were demanded.

The roll was called and the vote was announced: yeas 11, nays 11.

The President voted "yea" and the motion prevailed by the following vote:

#### Yeas—12

The President	Martin
Beck	Moffett
Cotten	Stone
Fain	Vick
Graves	Weinert
Jones	Winfield

#### Nays—11

Brownlee	Moore
Chadick	Morris
Lanning	Ramsey
Lovelady	Sulak
Mauritz	York
Metcalf	

#### Absent

Lane

#### Absent—Excused

Aikin	Kelley
Bullock	Lemens
Formby	Shivers
Hazlewood	Spears

#### Advance Printing of Bills

On motion of Senator Graves, and by unanimous consent, it was ordered that S. B. Nos. 6, 7, 8, and 9 be printed in advance of their consideration in committee.

On motion of Senator Stone, and by unanimous consent, it was ordered that S. B. No. 61 be printed in advance of its consideration in committee.

#### Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled resolutions:

H. C. R. No. 4.

H. C. R. No. 15.

#### Senate Concurrent Resolution 9

Senator Martin offered the following resolution:

S. C. R. No. 9, Inviting Hon. Mark McGee to address a joint session of the Legislature on February 1, 1943.

Whereas, The Honorable Mark McGee, Director of the OPA in Texas, will be in Austin on February 1, together with his staff; and

Whereas, The House has heretofore passed a resolution inviting him to address the House of Representatives at 11:00 o'clock on the morning of February 1, 1943; and

Whereas, It is beneficial to the public and to the Members of the Senate to be fully informed with reference to rationing in Texas; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Hon. Mark McGee be invited to address a joint session of the House and Senate of Texas at 11:00 o'clock on February 1, 1943.

The resolution was read and was adopted by the following vote:

**Yeas—22**

Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Graves	Ramsey
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

**Nays—1**

Beck

**Absent—Excused**

Aikin	Kelley
Bullock	Leniens
Formby	Shivers
Hazlewood	Spears

Accordingly, the President appointed Senators Aikin, Brownlee, and Winfield to escort Hon. Mark McGee to the joint session.

**House Bill 58 on First Reading**

The following House bill, previously received from the House, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 58, to Committee on State Affairs.

**House Concurrent Resolution 16  
Referred**

The following resolution, previously received from the House, was read and was referred to the committee indicated:

H. C. R. No. 16, to Committee on Oil, Gas and Conservation.

**Message from the House**

A message, signed by Clarence Jones, Chief Clerk of the House of Representatives, and read by Mrs. Ida C. Banks, Assistant Reading Clerk of the House, informed the Senate that the House had passed the following bill:

S. B. No. 31, A bill to be entitled "An Act providing that it shall be unlawful to kill wild turkey in Guadalupe County for a period of three (3) years from and after passage of this Act; etc.; and declaring an emergency."

**Senate Bill 95 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 95, A bill to be entitled "An Act providing that in all incorporated cities and towns containing more than two hundred ninety-three thousand (293,000) inhabitants and less than three hundred seventy-five thousand (375,000), according to the last preceding or any future Federal Census, the governing body shall have power to lay out, acquire and/or construct any section or portion of any street within its jurisdiction as a freeway under certain circumstances; declaring the provisions of this Act to be severable; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Adjournment**

On motion of Senator Brownlee, the Senate at 11:10 o'clock a. m., adjourned until 10:00 o'clock a. m., Monday, February 1, 1943.

**TWELFTH DAY**

(Monday, February 1, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Fain
Beck	Graves
Brownlee	Hazlewood
Chadick	Jones
Cotten	Lane